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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,652	07/13/2001	Hiroshi Isono	110087	8225
25944	7590	03/24/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			KING, BRADLEY T	
			ART UNIT	PAPER NUMBER
			3683	
DATE MAILED: 03/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/903,652	ISONO, HIROSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bradley T. King	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 30 is/are pending in the application.
- 4a) Of the above claim(s) 5,8,9 and 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,10,11,15-17 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/23/2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-7, 10-11, 15-17 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Isono et al (EP 0 950 593).

Isono et al shows all the limitations of the instant claims including; a power-operated hydraulic pressure source 70 operable to delivery a pressurized working fluid, a brake including a hydraulically operated brake cylinder; a manually operable brake operating member 10; a master cylinder disposed between said power-operated hydraulic pressure source and said brake cylinder and operable to deliver the pressurized working fluid into said brake cylinder, in response to an operation of said

manually operable brake operating member; and a flow-rate changing device (74, 75, 86, 542, 546, 547, 560, 562) disposed between said power-operated hydraulic pressure source and said brake cylinder and including said master cylinder 500, said flow-rate changing device being operable to change a relationship between a first rate of flow of the pressurized working fluid from said master cylinder into said brake cylinder, and a second rate of flow of the pressurized working fluid (from 70) into said master cylinder, such that said relationship is changed according to an operating amount of said brake operating member (note that valves 74-75 change the relationship between the flow from the pump 70 and the flow from the master cylinder to the brake) during a normal braking operation in which a pressure of the working fluid in said brake cylinder is controlled such that the pressure of the working fluid in said brake cylinder changes with a change of the operating amount of said operation of said manually operable brake operating member. See figure 22.

Regarding claim 2, Isono et al further discloses a master cylinder including (a) a housing 502, and (b) a pressurizing piston 504 fluid-tightly and slidably fitted in said housing, said pressurizing piston having two pressure-receiving surface areas which are different from each other and which respectively partially define a front pressurizing chamber 508 and a rear pressure chamber 512 on front and rear sides of said pressurizing piston, said master cylinder being operable to supply said brake cylinder with the pressurized working fluid delivered from said front pressurizing chamber as said pressurizing piston is advanced, and wherein said flow-rate changing device includes a switching device 546 having a first state in which the pressurized working

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fluid is delivered from said power-operated hydraulic pressure source 70 to said rear pressure chamber which has a smaller one of said two pressure-receiving surface areas (when valve 546 is closed), and a second state in which the pressurized working fluid is delivered from said power-operated hydraulic pressure source to said front pressurizing chamber 508 (when valve 546 is opened).

Regarding claim 3, note the rear chamber 512 has a smaller area due to the area of the input rod which reduces the pressure receiving area of the chamber. Isono et al also shows a discharge-flow inhibiting device 75.

Regarding claim 4, Isono et al further show a check valve 74 or the unlabeled valve next to the accumulator 72.

Regarding claim 30, see control valve device 44.

### ***Response to Arguments***

Applicant's arguments filed 12/23/2005 have been fully considered but they are not persuasive.

It is maintained that the assisting device 538 of EP'593 reads upon the claimed flow-rate changing means. The instant disclosure fails to provide any distinct definition of "normal braking". It is maintained that the automatic braking modes of EP' 593 can reasonably be considered "normal" as no malfunction has occurred. Note that figure 23 of EP'593 shows two modes of proper "normal" brake operation and two modes of operation during failures of abnormality. Also note the summary of the invention of EP'593. For instance, page 3, lines 25-45 appear to suggest modifying the flow

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relationships in response to vehicle speed or temperature. It is maintained that the rejections are proper.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BTK

 2/20/08  
**BRADLEY KING**  
**PATENT EXAMINER**